



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA, SUITE 7000
#48 165 RD. KM 1.2
GUAYNABO, PR 00968-8069

MAY 17 2016

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Article Number: 7009 2250 0000 9163 7908

Alberto Lázaro-Castro, P.E.
President
Puerto Rico Aqueduct and Sewer Authority
P.O. Box 7066
San Juan, Puerto Rico 00916-7066

**Re: Dorado Wastewater Treatment Plant
Quintas de Dorado Development Wastewater Collection System
Administrative Compliance Order
Docket Number CWA-02-2016-3103
NPDES Permit PR0020460**

Dear Engineer Lázaro-Castro:

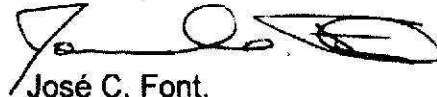
The United States Environmental Protection Agency ("EPA"), Region 2, has made findings that the Puerto Rico Aqueduct and Sewer Authority ("PRASA") is in violation of the Clean Water Act, 33 U.S.C. § 1251 et seq. ("CWA" or "Act"). Enclosed are two (2) originals of this ORDER, issued pursuant to Sections 309 and 308 of the Act, which detail the findings.

Please be informed that the ORDER requires PRASA to cease and desist the discharge of pollutants into waters of the United States in accordance to the facility's National Pollutant Discharge Elimination System Permit.

Failure to comply with the enclosed ORDER may subject PRASA to civil and/or criminal penalties pursuant to Section 309 of the Act. Failure to comply with this ORDER may also subject PRASA to ineligibility for participation in work associated with Federal contracts, grants, or loans.

If you have any questions regarding this matter, please contact Carlos R. Villafañe, MEM. P.E., Environmental Engineer of my staff at (787) 977-5858.

Sincerely,

A handwritten signature in black ink, appearing to read 'José C. Font', with a stylized flourish at the end.

José C. Font,

Director

Caribbean Environmental Protection Division

Enclosures

cc: Wanda García, EQB (via email), Irma López, PRASA (via email), Alexis Ramos, Municipality of Dorado (via email to alexis.a.amos@gmail.com), Javier Velez-Arocho, Municipality of Dorado (via e-mail jvarocho@ecostahlia.com)

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2

IN THE MATTER OF:

Puerto Rico Aqueduct and Sewer Authority
P.O. Box 7066
Barrio Obrero Station
San Juan, Puerto Rico 00916-7066

Dorado Wastewater Treatment Plant
Quintas de Dorado Development Wastewater
Collection System

NPDES Permit No. PR0020460

Respondent

ADMINISTRATIVE ORDER

CWA-02-2016-3103

I, _____, an officer of the Puerto Rico Aqueduct
and Sewer Authority with the title of, _____, do hereby acknowledge
the receipt of copy of the ORDER, CWA-02-2016-3103.

DATE: _____

SIGNED: _____

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 2

In the Matter of:

Puerto Rico Aqueduct and Sewer Authority
P.O. Box 7066
Barrio Obrero Station
San Juan, Puerto Rico 00916-7066

Dorado Wastewater Treatment Plant
Quintas de Dorado Development Wastewater
Collection System
NPDES Permit Number PR0020460

Proceeding pursuant to Sections 308 and 309(a) of
the Clean Water Act, 33 U.S.C. §§ 1318 and
1319(a).

**ADMINISTRATIVE
COMPLIANCE ORDER AND
INFORMATION REQUEST**

**DOCKET NUMBER
CWA-02-2016-3103**

I. PRELIMINARY STATEMENT

1. This Information Request and Administrative Compliance Order (together the "Order") are issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") pursuant to Sections 308 and 309 of the Clean Water Act ("CWA" or the "Act"), 33 U.S.C. §§ 1318 and 1319.
2. The Administrator has delegated the authority to take these actions to the Regional Administrator of Region 2, who, in turn, has delegated such authority to the Director of the Caribbean Environmental Protection Division.

II. STATUTORY AND REGULATORY AUTHORITIES

3. Section 301(a) of the Act, 33 U.S.C. § 1311(a), provides in part that "[e]xcept as in compliance with [CWA Section 402], the discharge of any pollutant by any person shall be unlawful."
4. Section 402 of the Act, 33 U.S.C. § 1342, defines the National Pollutant Discharge Elimination System ("NPDES") as the national program for, among other things, issuing and enforcing permits.
5. Section 402(a)(1) of the Act, 33 U.S.C. § 1342(a)(1), provides that "the Administrator may, after opportunity for public hearing, issue a permit for

the discharge of any pollutant upon condition that such discharge will meet such requirements as the Administrator determines are necessary to carry out the provisions of the [Act]."

6. Section 402 of the Act authorizes the Administrator to promulgate regulations for the implementation of the NPDES requirements.
7. Pursuant to the Act, on April 1, 1983, EPA promulgated regulations to implement the NPDES program, under EPA Administered Permit Programs: the NPDES, at 40 C.F.R. Part 122, as amended.
8. Pursuant to the NPDES regulations at 40 C.F.R. § 122.5(b), the NPDES program requires permits for the discharge of any pollutant from any point source into waters of the United States.
9. The Act and its implementing regulations contain the following definitions:
 - a. "discharge of a pollutant" as any addition of any pollutant to navigable waters and/or waters of the United States from any point source. Section 502(12) of the Act, 33 U.S.C. § 1362(12), and 40 C.F.R. § 122.2;
 - b. "facility," as any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to the regulations of the NPDES program. 40 C.F.R. § 122.2;
 - c. "municipality" as, among other things, a city, town, borough, county, parish, district, association, or other public body created by or pursuant to State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or a designated and approved management agency under section 208 of the Act;
 - d. "municipal separate storm sewer system" ("MS4") is defined by 40 C.F.R. §§ 122.2 and 122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
 - i. owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management

agency under section 208 of the CWA that discharges to waters of the United States;

- ii. designed or used for collecting or conveying storm water;
 - iii. which is not a combined sewer; and
 - iv. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 C.F.R. 122.2.
- e. "NPDES" means a National Pollutant Discharge Elimination System permit pursuant to Section 402 of the Act, 33 U.S.C. § 1342;
- f. "navigable waters" as the waters of the United States, including the territorial seas. Section 502(7) of the CWA, 33 U.S.C. § 1362(7); "Waters of the United States" means all waters such as lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, among others, and their tributaries. 40 C.F.R. § 122.2;
- g. "owner" or "operator" as the owner or operator of any facility or activity subject to regulation under the NPDES program. 40 C.F.R. § 122.2;
- h. "person" as an individual, corporation, partnership or association. Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2;
- i. "pollutant" as including, among others, solid waste, dredged spoil, rock, sand, cellar dirt, sewage, sewage sludge and industrial, municipal and agricultural waste discharged into water. Section 502(6) of the Act, 33 U.S.C. § 1362(6), and 40 C.F.R. § 122.2;
- j. "Publicly Owned Treatment Work" or "POTW" as, in part, a treatment works which is owned by a State or municipality. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. See 40 C.F.R. §§ 122.2 and 403.3;
- k. "point source" as any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. Section

502(14) of the Act, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2; and

- I. "small municipal separate storm sewer system" or "Small MS4" means all separate storm sewers, pursuant to 40 C.F.R. § 122.26(b)(16), that are:
 - i. owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;
 - ii. not defined as "large" or "medium" municipal separate storm sewers pursuant to paragraphs 40 C.F.R. §§ 122.26(b)(4) and (b)(7), or designated under paragraph 40 C.F.R. § 122.26(a)(1)(v); and
 - iii. this term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.
10. Section 308(a)(A) of the Act provides that "[w]henever required to carry out the objective of . . . [CWA Section 402] the Administrator shall require the owner or operator of any point source to (i) establish and maintain such records, (ii) make such reports, (iii) install, use, and maintain such monitoring equipment or methods (including where appropriate, biological monitoring methods), (iv) sample such effluents (in accordance with such methods, at such locations, at such intervals, and in such manner as the Administrator shall prescribe), and (v) provide such other information as [the Administrator] may reasonably require."
11. Section 309(a)(3) of the Act provides that "[w]henever on the basis of any information available . . . the Administrator finds that any person is in violation of [CWA Sections 301 and 308], or is in violation of any permit condition or limitation implementing any of such sections in a permit issued under [Section 402 of the Act, the Administrator] shall issue an order requiring such person to comply with such section...."

12. Section 309(a)(5)(A) of the Act provides that "[a]ny order issued under [CWA Section 309] shall state with reasonable specificity the nature of the violation, and shall specify a time for compliance . . . taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements."
13. EPA is the agency within the Commonwealth of Puerto Rico with authority to administer the federal NPDES program. EPA maintains enforcement authority for violations of the Act and its implementing regulations.

III. JURISDICTIONAL STATEMENTS

14. The Puerto Rico Aqueduct and Sewer Authority ("Respondent" or "PRASA") is a public corporation and an autonomous governmental instrumentality of the Commonwealth of Puerto Rico, organized and existing under the laws of the Commonwealth of Puerto Rico.
15. Respondent is a person within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
16. Respondent owns and operates the Dorado Wastewater Treatment Plant (the "Dorado WWTP"). The Dorado WWTP is located at State Road PR-693, Km. 5.6, Higuillar Ward, Dorado, Puerto Rico.
17. The Dorado WWTP is a Publicly Owned Treatment Works as defined by the Act, 40 C.F.R. §§ 122.2 and 403.3.
18. A NPDES permit, Permit Number PR0020460, (the "Permit" or "NPDES Permit") was issued to PRASA on June 4, 2009, by EPA pursuant to Section 402 of the Act, 33 U.S.C. § 1342, for the discharge of pollutants from the Dorado WWTP to the La Plata River. By its own terms, the Permit became effective on September 1, 2009, and expired on August 31, 2014.
19. PRASA provided, within the stipulated time frame, a renewal permit application. Therefore, the Dorado WWTP NPDES Permit was administratively extended until a new permit is issued.
20. Part A.1 (Effluent Limitations and Monitoring Requirements) of the NPDES Permit, which implements Section 301 of the Act, 33 U.S.C. § 1311, limits the discharge of wastewater to the outfall location set forth therein.
21. Part C.5 (Proper Operation and Maintenance) of Attachment I of the NPDES Permit requires the Respondent to at all times properly operate and maintain all facilities and systems for collection and treatment (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit.

22. The Dorado WWTP is and was at all relevant times a "point source" that discharges pollutants into the La Plata River, a navigable water of the United States, all within the respective definitions established in Section 502(14) of the Act, 33 U.S.C. § 1362(14). Respondent is therefore subject to the provisions of the Act, 33 U.S.C. § 1251 et seq.
23. Respondent is the owner and/or operator of a wastewater collection system located at Quintas de Dorado Development, Higuillar Ward, Dorado, Puerto Rico (the "Facility").
24. The Facility is an appurtenance of the Dorado WWTP. The Facility collects and conveys wastewater through PRASA's Quintas de Dorado Development Sub-Trunk Sewer which connects to the Dorado Trunk Sewer, which in turn connects to the Dorado WWTP.
25. The Facility serves various communities in Higuillar Ward in the municipality of Dorado, and in Sabana Ward in the municipality of Vega Alta.
26. At all relevant times to this Order, Respondent was the owner and/or operator of the Facility.
27. Sanitary sewage overflows ("SSOs") are pollutants pursuant to Section 502(6) of the Act, 33 U.S.C. § 1362(6), and 40 C.F.R. § 122.2.
28. SSOs from the Facility have gained access into the municipality of Dorado MS4, which in turn discharges into an unnamed creek, a tributary of the La Plata River, which flows into the Atlantic Ocean.
29. The Facility is a point source pursuant to Section 502(14) of the Act, 33 U.S.C. § 1362(14), and 40 C.F.R. § 122.2.
30. The unnamed creek, La Plata River and the Atlantic Ocean are all waters of the United States, pursuant to Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 122.2.
31. Respondent owns and operates the Facility, a facility as defined in 40 C.F.R. § 122.2. Respondent is subject to the provisions of the Act, 33 U.S.C. § 1251, et seq., and the applicable NPDES permit application regulations found at 40 C.F.R. Part 122. Respondent was required to apply for and obtain NPDES permit coverage for the Facility's discharges of pollutants into waters of the United States pursuant to Section 402(a)(1) of the Act, 33 U.S.C. § 1342(a)(1).

IV. FINDINGS OF VIOLATIONS

32. On April 29, 2016, PRASA officials met with EPA to discuss matters related with SSOs events at the Quintas de Dorado Development related with the Facility. During the meeting, PRASA provided information regarding the occurrence of SSOs at Quintas de Dorado Development, including alternatives to address the SSOs.
33. On May 3, 2016, an EPA authorized enforcement officer performed a Reconnaissance Inspection ("RI") of the Facility. The findings of the RI were summarized in the May 5, 2016 inspection report attach herein as Attachment I.
34. Among other things, the findings of the RI revealed the following:
 - a. the Quintas de Dorado Development Sub-Trunk Sewer located along the Nogal Boulevard was running almost to its maximum (flow) capacity;
 - b. sanitary manholes located at Nogal Boulevard, Ucar Street, Mirto Street, Eucalipto Street, Ceiba Street, and Higuero Street had considerable amounts of grease and solids accumulated in them;
 - c. neighbors of the Quintas de Dorado and Villamar Developments alleged that sewage backups had occurred inside their residences through their toilets and bathtubs;
 - d. sanitary solids of recent SSOs events were observed at Nogal Boulevard, Ucar Street, and Ceiba Street;
 - e. absence of an operation and maintenance ("O&M") program for inspection and maintenance of the Facility;
 - f. lack of an adequate sanitary sewer cleaning program to avoid accumulation of solids, including grease, at the Facility;
 - g. failure to conduct effective pre-treatment program inspections at the neighboring food establishments to reduce or eliminate discharges of grease into the Facility; and
 - h. failure to follow the procedure of the approved Spill Response and Clean-up Plan when SSOs occurs.

35. On May 4, 2016, Mr. Jorge Santiago, President of the Board of Residents of Quintas de Dorado, Villamar and Gable Breeze residential developments, provided documents via email to the EPA authorized enforcement officer regarding residents' complaints filed at PRASA about SSOs occurrences at their neighborhoods and related follow-up that the residents had done over a year.
36. On May 5, 2016, EPA requested PRASA to provide a list of all maintenance works conducted at the Facility. Also, EPA requested a list of all SSOs events that had occurred at the Facility.
37. On May 6, 2016, EPA received PRASA's response to the information requested on paragraph 36, above. The review revealed that PRASA reported a total of twenty-three (23) SSOs events at the Facility between the period of February 26, 2014 and March 7, 2016. It also revealed, that PRASA reported a total of forty-five (45) maintenance works at the Facility between the period of November 12, 2014 and April 8, 2016.
38. As described in paragraphs 32 through 37 above, EPA has found Respondent to be in violation of the Act, and the applicable NPDES regulations for its discharges of pollutants (sewage) from the Facility into waters of the United States without NPDES permit coverage.
39. Respondent's violations constitute a violation of Sections 301 and 402 of the Act, the applicable NPDES regulations; therefore, Respondent is subject to an enforcement action under Section 309 of the Act.

V. ORDERED PROVISIONS

In consideration of the above Findings of Violations, and pursuant to the authority in Section 309(a) of the CWA, 33 U.S.C. § 1319, EPA has determined that compliance with the following requirements is reasonable.

IT IS HEREBY ORDERED:

40. **That immediately upon receipt of the originals of this ORDER,** Respondent shall complete the acknowledgment of receipt on one of the originals of the ORDER and return said original to the Chief, Municipal Water Programs Branch, Caribbean Environmental Protection Division, EPA, to the address specified in paragraph 56 below.
41. **That immediately upon receipt of this Order,** Respondent shall cease and desist the discharge of pollutants (sewage) from the Facility into the Dorado MS4 and/or any waters of the United States.

42. **That immediately upon receipt of this Order,** Respondent shall impose a sewer hookup ban for all new sanitary connections to the Dorado WWTP.
43. **That within five (5) calendar days of receipt of this ORDER,** Respondent shall start cleaning the Facility at least twice a week to reduce or eliminate the accumulation of grease and solids within the wastewater collection system.
44. **That within ten (10) calendar days of receipt of this ORDER,** Respondent shall clean and collect all sanitary solids and debris overflowed over the Nogal Boulevard, Ucar Street, Mirto Street, Eucalipto Street, Ceiba Street, and Higuero Street and the stormwater collection system next to the overflowed sanitary solids.
45. **That within fifteen (15) calendar days of receipt of this ORDER,** Respondent shall commence conducting pre-treatment inspections to all commercial units (i.e., food establishments, etc.) within the Facility's sewerage basin. All pre-treatment inspections shall be completed within sixty (60) calendar days of receipt of this ORDER.
46. **That within thirty (30) calendar days of receipt of this ORDER,** Respondent shall develop a Work Plan with specific milestones for the construction of the new Quintas de Dorado/Dorado Trunk Sewers, the New Pre-treatment Headwork facility and the Influent Pump Station nearby the Dorado WWTP, currently under planning. These trunk sewers, pre-treatment headwork and influent pump station will be connected to the Dorado WWTP. The Work Plan shall describe the specific tasks to be performed, including a schedule with the expected completion date of each task. Also, the Work Plan shall include the estimated costs associated with the implementation of the plan, including capital costs plus O&M costs associated with the construction of the collection system.
47. **That within sixty (60) calendar days of receipt of this ORDER,** Respondent shall build a sanitary storage tank or tanks to collect excessive wastewater from the Facility. The storage tank(s) shall have enough capacity to collect all excessive wastewater that cannot be hold at the Facility and at the Dorado Trunk Sewer. The storage tank(s) shall be drained daily and its contents hauled away through septage tank trucks to the Dorado WWTP. While Respondent builds the sanitary storage tank(s), Respondent shall haul the excessive sewage from the Facility to the Dorado WWTP on a daily basis, or as needed.

48. **That within seventy-five (75) calendar days of receipt of this ORDER,** Respondent shall clear from grass and debris the right of way located between the Facility and the Dorado Trunk Sewer and the right of way between the Dorado Trunk Sewer and the Dorado WWTP, in order to conduct the appropriate O&M tasks.

VI. REQUESTED INFORMATION

Based on the Findings of Fact, and pursuant to the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), Respondent is required to submit the following to EPA in writing:

49. **That within ten (10) calendar days of receipt of this Order,** Respondent shall submit the certification required in paragraph 40, above.
50. **Within forty-five (45) calendar days of receipt of this ORDER,** Respondent shall submit the Work Plan developed pursuant to paragraph 46, above.
51. **Within sixty (60) calendar days of receipt of this ORDER,** Respondent shall provide all studies conducted regarding capacity issues and engineering design made of the Facility, Dorado Trunk Sewer, and any other study made on the wastewater collection systems that are tributaries to the Dorado WWTP.
52. **That within ninety (90) calendar days of receipt of this ORDER,** Respondent shall submit a certification indicating that it has completed the work required in paragraphs 40 – 45, 47 and 48, above.
53. **Until Termination of this Order,** Respondent shall submit Progress Reports every forty-five (45) days to EPA describing the progress achieved in compliance with the ordered provisions required in paragraphs 42 through 48, above. Respondent shall submit the first Progress Report to EPA, within thirty (30) calendar days after the Effective Date of this ORDER, and subsequent reports every forty-five (45) calendar days thereafter, following delivery of the first. At a minimum the Progress Reports shall convey the following:
- a. all cleaning activities performed pursuant to paragraph 43 above;
 - b. the specific activities undertaken, and outcome achieved related to pre-treatment inspections conducted pursuant to paragraph 45 above;
 - c. the status of the implementation of the Work Plan developed pursuant to paragraph 46 above; and

- d. description of any impediment Respondent encountered in the process to comply with the Ordered Provisions included in this ORDER and the steps taken to minimize any setbacks in the completion of any activity required as part of this ORDER.

VII. GENERAL PROVISIONS

54. Any questions concerning this ORDER should be directed to Carlos R. Villafañe, MEM, P.E., Environmental Engineer, Municipal Water Programs Branch, Caribbean Environmental Protection Division at (787) 977-5858 or via email at villafane.carlos@epa.gov.
55. Any documents to be submitted by Respondent as part of this Order shall be sent by certified mail or its equivalent and shall be signed by an authorized representative of the respective entity (see 40 C.F.R. § 122.22), and shall include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

56. All information required to be submitted under this ORDER shall be sent by registered mail (or its equivalent) to the following addresses:

Director, Water Quality Area
Environmental Quality Board
P.O. Box 11488
San Juan, Puerto Rico 00910,

and

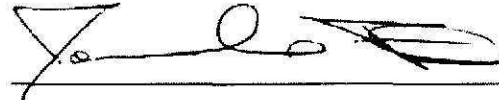
Chief, Municipal Water Programs Branch
Caribbean Environmental Protection Division
U.S. Environmental Protection Agency, Region 2
City View Plaza II, Suite 7000
48 RD. 165 Km. 1.2
Guaynabo, PR 00968-8069

57. Respondent shall have the opportunity, for a period of ten (10) calendar days from the effective date of this Order, to confer, regarding the ordered provisions, with the following designated Agency representative: Carlos R. Villafañe, MEM, P.E., Environmental Engineer, located at City View Plaza II – Suite 7000, 48 RD 165, Km 1.2, Guaynabo, Puerto Rico, with phone number 787-977-5858, and email villafane.carlos@epa.gov.
58. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt> provides the grounds for such review.
59. This Order does not constitute a waiver from compliance with, or a modification of, the effective terms and conditions of the CWA, its implementing regulations, or any applicable permit, which remain in full force and effect. This Order is an enforcement action taken by EPA to ensure swift compliance with the CWA. Issuance of this Order shall not be deemed an election by EPA to forego any civil or criminal actions for penalties, fines, imprisonment, or other appropriate relief under the CWA.
60. Notice is hereby given that failure to comply with the terms of the CWA Section 309(a)(3) Compliance Order may result in your liability for civil penalties for each violation of up to \$37,500.00 per day under Section 309(d) of the CWA, 33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by EPA, the United States District Court may impose such penalties if the Court determines that you have violated the CWA as described above and failed to comply with the terms of the Compliance Order. The District Court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of the Compliance Order.
61. Notice is hereby given that failure to comply with the requirements of the CWA Section 308 Information Request may result in your liability for civil penalties for each violation of up to \$37,500 per day under Section 309(d) of the CWA, as modified by 40 C.F.R. Part 19. Upon suit by EPA, the United States District Court may impose such penalties if the Court determines that you have failed to comply with the terms of the Information Request. You may also be subject to administrative remedies for a failure to comply with the Information Request as provided by Section 309 of the CWA.
62. If any provision of this Order is held by a court of competent jurisdiction to be invalid, any surviving provisions shall remain in full force and effect.

63. This Order shall become effective upon the date of execution by the Director of the Caribbean Environmental Protection Division.

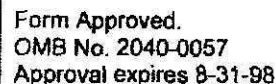
Dated: May 17th 2014

Signed: _____



José C. Font
Director
Caribbean Environmental Protection Division
Environmental Protection Agency, Region 2

Attachment 1 – EPA May 5, 2016, RI Report



**SUPPLEMENT TO WATER COMPLIANCE INSPECTION REPORT FORM
(EPA FORM 3560-3 (REV 9-94))**

**PRASA'S QUINTAS DE DORADO DEVELOPMENT
WASTEWATER COLLECTION SYSTEM**

Reconnaissance Inspection: Puerto Rico Aqueduct and Sewer Authority (PRASA)
Dorado Wastewater Treatment Plant (WWTP) NPDES Permit
(PR0020460)
Quintas de Dorado Development Wastewater Collection System

Location Address: Quintas de Dorado Development, Higuillar Ward, Dorado,
Puerto Rico

Inspection Date: May 3, 2016

PRASA Representatives: Héctor Quiñones, Compliance Director
Xavier Díaz, Plant Supervisor
Julio Rappa, Toa Alta Area Director
Marcelino Torres, Projects Manager Auxiliary Director
Samuel Rosario, Toa Alta Area Plants Manager
William Morales, Network Maintenance Crew
Eddie Rivera, Network Maintenance Crew

Inspector: Carlos R. Villafañe, MEM, P.E., Environmental Engineer
USEPA Region 2
Caribbean Environmental Protection Division
Municipal Water Program Branch
(787) 977-5858 – villafane.carlos@epa.gov

I. Background and inspection purpose:

On April 29, 2016, Puerto Rico Aqueduct and Sewer Authority's ("PRASA") officials met with EPA at the Caribbean Environmental Protection Division offices to discuss matters related with sanitary sewer overflows (SSOs) events occurring at the Quintas de Dorado Development located in Higuillar Ward in Dorado, Puerto Rico. During the meeting, PRASA provided information regarding the occurrence of SSOs at Quintas de Dorado Development wastewater collection system (WWCS), including alternatives to address the SSOs. On May 3, 2016, Carlos R. Villafañe of EPA Region 2 (the "Inspector") conducted a reconnaissance inspection ("RI") of PRASA's Quintas de Dorado WWCS. The inspection was performed to collect more information on SSOs occurring at this location. PRASA was notified beforehand about the EPA's inspection.

According to EPA files (e.g., bypasses database), SSOs have been documented on previous months and years at Quintas de Dorado WWCS. Accordingly, the SSOs had reached an unnamed creek, which is a tributary of the La Plata River, which finally discharges into the Atlantic Ocean. See **Attachments I, II and III**.

Quintas de Dorado WWCS is an appurtenance of PRASA's Dorado Wastewater Treatment Plant ("WWTP") used to collect and convey wastewater for later treatment. Throughout the Quintas de Dorado Development's Nogal Boulevard runs PRASA's Quintas de Dorado Sub-Trunk Sewer that connects to the Dorado Trunk Sewer, which finally reaches the Dorado WWTP. See **Attachment III**.

PRASA was represented during the inspection as noted in the heading of this report. The inspection was performed pursuant to the authority contained in Section 308(a) of the Clean Water Act ("CWA" or "the Act"). The inspection took place from approximately 9:40 a.m. to 1:03 p.m., local time. Dry weather and clear skies prevailed during the inspection. All photos related to the items above were taken using my personal cellular phone (the photos were saved at my office computer hard drive). The photos taken were included in **Attachment IV** of this inspection report. The EPA inspector notified PRASA's on site officials about the preliminary inspection findings at the site on the same inspection date.

II. Inspection Findings and Observations:

The findings and observations of the RI are included below:

1. The Quintas de Dorado Wastewater Collection System (WWCS) includes the PRASA's Quintas de Dorado Sub-Trunk Sewer which operates as a gravity wastewater collection system. Throughout the Quintas de Dorado Development's Nogal Boulevard runs PRASA's Quintas de Dorado Sub-Trunk Sewer that connects to the Dorado Trunk Sewer, which finally reaches the Dorado Wastewater Treatment Plant ("WWTP").
2. The Quintas de Dorado Sub-Trunk Sewer receives sewage, among others, from the Dorado Beach East Development, Dorado del Mar Development, Costa de Oro Development, Dorado Club Development and north part (Sabana Ward) of the Municipality of Vega Alta.
3. The Quintas de Dorado WWCS is an appurtenance of PRASA's Dorado WWTP used to collect and convey wastewater for later treatment.
4. A significant amount of wastewater flow was noticed at the Quintas de Dorado Sub-Trunk Sewer wastewater collection system. The first two sanitary manholes located at the entrance of the Quintas de Dorado Development had some accumulated solids in their bottoms. These sanitary manholes collect wastewaters from Costa de Oro, Dorado del Mar and Dorado Club Pump Stations. See attached Photo No. 1 and No. 2 in Appendix IV.
5. Some of the sanitary manhole covers of the Quintas de Dorado Sub-Trunk Sewer were difficult to open, others were not opened since their lids were too tight to be opened.
6. Upon arriving to the inspection, a PRASA's Flushing Truck Crew was observed providing flushing to the Quintas de Dorado Sub-Trunk Sewer at the end of the Nogal Boulevard. Mr. William Morales and Mr. Eddie Rivera, PRASA's Flushing Truck Crew

were interviewed. Mr. Morales said that they were flushing the sub-trunk sewer of the last sanitary manhole at the end of the Nogal Boulevard due to heavy accumulations of solids. Mr. Morales also said that he was flushing this trunk sewer after unclogging an overflowed sanitary manhole at the Ucar Street within the same Quintas de Dorado Development due to recent sanitary sewer overflows. The sanitary manhole whereas Mr. Rivera and Morales were conducting the flushing had traces of sanitary solids and sewage around it of a recent SSO event. The sanitary solids were also observed at the stormwater gutter located nearby the sanitary manhole. According to engineer Julio Rappa, PRASA's Toa Alta Area Director, this sanitary manhole used to overflow very often, discharging the sewage over the end part of the Nogal Boulevard (south direction) and reaching the storm sewer in one lateral side of the boulevard, finally reaching an unknown name body of water. The flushing truck crews were observed cleaning the overflowed sewage and solids with pressured potable water from the flushing truck.

7. Sanitary solids of a recent SSO event were observed over the street at Ucar Street intersection with Cipres Street. The sanitary manhole cover at this location was also observed with solids of sewage nature. The sanitary solids were also observed at the stormwater gutter and stormwater drain located nearby the sanitary manhole. See attached Photo No. 3 thru 6 in Appendix IV.
8. Sewage was observed over part of the grass, concrete sidewalk and storm sewer gutter in front of Residence I-31 located at the intersection of Ucar and Mirto Streets. The PRASA's Flushing Truck crews cleaned the overflowed sewage by applying pressured potable water and moving it away of the grass and concrete sidewalk and into the storm sewer gutter. The overflowed sewage was not collected by the PRASA's Flushing Truck crews. See attached Photo No. 7 and 8 in Appendix IV.
9. Another sanitary manhole located close to the end of the Ucar Street (south direction) was observed with overflowed sewage. Solids of sewage nature were observed around the sanitary manhole cover, over the street and at the nearby storm sewer gutter. Wastewater was also observed inside the storm sewer gutter. See attached Photo No. 9 and 10 in Appendix IV.
10. Another sanitary manhole located at a very high pasture (cross country) after the end of the Ucar Street (south direction) was observed with overflowed sewage. Solids of sewage nature and sewage were observed all around the sanitary manhole cover and over the pasture. Besides the overflowed manhole runs an unnamed creek. See attached Photo No. 11 and 12 in Appendix IV.
11. Solids of sewage nature were observed in front of Residence #58 located at intersection of Nogal Boulevard and Mirto Street. The cleanout (i.e., sanitary service connection) cover was observed removed. Sewage was observed around the cleanout and driveway of the residence. The overflowed sewage was observed over part of the street due to a recent sanitary sewer overflow event. See attached Photo No. 13 through 16 in Appendix IV.

12. The sanitary manhole cover in front of residence H-57 at Nogal Boulevard had solids of sewage nature around it. It has a huge amount of solids accumulated inside the manhole. Solids of sewage nature were observed over the street next to the sanitary manhole. In addition, solids of sewage nature were also observed at the storm sewer gutter next to the sanitary manhole. According to Mr. Samuel Rosario, PRASA's Toa Alta Area Plant Manager, this sanitary manhole receives sewage from Ceiba Street, Eucalipto Street and Brighton Development Walkups and also from other local commerce. See attached Photo No. 17 through 19 in Appendix IV.
13. As part of the reconnaissance inspection, various residents of the Quintas de Dorado and Villa Mar Developments were interviewed:
- a. Mrs. Norma Cortéz, resident of H-57 at Nogal Boulevard, said that sewage backups had occurred inside her house. According to Mrs. Cortéz, the sewage backups occur through the residence toilet whereas grease, paper, etc. are discharged. Mrs. Cortéz said that the sewage backups occur every time it rains.
 - b. Mr. Juan López (husband of Mrs. Norma Cortéz), resident of H-57 at Nogal Boulevard, said that sewage has backed up in his residence thru the bathtub. Mr. López also said that he used to open the sewer cleanout (i.e., service connection) of his residence to avoid the sewage (and odors) entering his house. In addition, Mr. López said that the overflowed sewage and the sewage odors emanating from the overflowed sewage affect his health. Moreover, Mr. López said that the overflowed sewage is not collected by the PRASA crews when they come to unclog the sewers. Last, Mr. López said that the sanitary sewer overflows situation has been ongoing over 5 years. Sewage and solids of sewage nature were observed around the cleanout (i.e., sanitary service connection) and grass near the cleanout. See attached Photo No. 20 in Appendix IV.
 - c. Mrs. María Gracia, resident of P-18 at Ucar Street, said that she had observed sanitary sewer overflows from PRASA's sanitary manholes at Nogal Boulevard.
 - d. Mrs. Carmen I. Ríos-Ramírez, Vice-president of Board of Residents of Quintas de Dorado, said that she had observed sanitary sewer overflows from PRASA's sanitary manholes at Nogal Boulevard.
 - e. Mr. Paul González, resident of H-58 at Nogal Boulevard, said he has been affected by sanitary sewer overflows and sewage backups entering his residence through the residence's bathtub. He also said that his mother health has been affected by asthma due to the SSOs. In addition, Mr. González said that the SSOs situation has been ongoing for over 15 years.
 - f. Mrs. Dimaris Miranda, resident of P-17 at Ucar Street, said that she is affected by bad odors due to sanitary sewer overflows occurring at her street. She said that she is concerned about her and her son due to asthma and sewage bad odors. In addition, Mrs. Miranda said that the sanitary sewer overflows spread all over the street reaching the front of her house. Moreover, Mrs. Miranda alleged that she pays for the sanitary sewer service and that she does not gets a service for what she pays. Last, Mrs. Miranda said that the SSOs situation occur when it rains. See attached Photo No. 21 in Appendix IV.

- g. Mrs. Colin Oquendo, resident of G-12 at Eucalipto Street, said that when it rains, sanitary sewer overflows backs-up into her residence through the residence's toilet and bathtub.
- h. Mr. Gilbert Vázquez, resident of G-18 of Eucalipto Street (Villamar Development), said he has been affected by bad odors coming from the sanitary trunk sewer. In addition, Mr. Vázquez said he had observed high levels at a sanitary manhole located at the end of the Higuero Street. Moreover, Mr. Vázquez said that he has been affected by the bad odors coming out from the sanitary manholes. The sanitary manhole located at the end of the Higuero Street was opened and was observed flowing thru its half channel without any obstructions.
- i. Mrs. Maria Fuentes, resident of H-9 at Ceiba Street (Villamar Development) said that she has observed sanitary sewer overflows in front of residence H-12.
- j. The sanitary manhole located in front of residence H-12, Ceiba Street, has too much solids (e.g., grease, etc.) inside it. In addition, solids of a recent SSO event were observed over the Ceiba Street and also at the street storm sewer gutter next to the sanitary manhole. Solids such as paper, grease, cloths, among others (all of sewage nature), were also observed next to a storm sewer catch basin (i.e., storm drain) located at the Ceiba Street and near residence H-12. See attached Photos No. 22 through 24 in Appendix IV.
- k. Mrs. Sharon Morales (Villamar Development), interviewed over the phone as petitioned by her husband, Mr. Samuel Morales, and resident of H-12 at Ceiba Street, said that sanitary sewer overflows occurred from a sanitary manhole located in front of her residence. Mrs. Morales said that the overflowed sewage reached a storm water catch basin located besides the sanitary manhole. According to Mrs. Morales, the SSOs situation occurs on every time it rains. Mr. Samuel Morales accented on the information provided by her wife.
- l. Engineer Tito Manzano (Villamar Development) who has been working in a committee composed of residents of Quintas de Dorado and PRASA towards finding solutions to the SSOs situation, said that the SSOs has been occurring at the Quintas de Dorado and Villa Mar Developments for more than ten years.
- m. Mrs. Zelma Alvarez, resident of B-24 at Nogal Boulevard said that SSOs has causes sewage back-ups into her residence through the toilet and bathtub. She also said that she used to open the clean out (i.e., sanitary service connection) to avoid sewage back-ups inside her house. Solids of sewage nature were observed in front of her residence B-24 and also in front of residence B-23. Mrs. Alvarez showed the inspector the clean-out of residence B-23 which she alleged also that sanitary sewer overflows occurred reaching over the concrete sidewalk located in front of residence B-23 and flowing down to her residence (B-24). In addition, Mrs. Alvarez complained about the bad odors emanating from PRASA's Quintas de Dorado Sub-trunk Sewer during dry weather. See attached Photos No. 25 through 28 in Attachment IV.
- n. Mrs. Nurquis Santana, resident of B-23 at Nogal Street, said that sanitary sewer overflows has caused sewage back-ups inside her residence through the toilet and bathtub. She also said that she used to open the clean out (i.e., sanitary service connection) to avoid sewage back-ups inside her house. In addition, Mrs. Santana said that she has observed sanitary sewer overflows from PRASA's Quintas de

Dorado Sub-trunk Sewer at Nogal Boulevard. Solids of sewage nature were observed over a concrete sidewalk in front of Residence B-23. See attached Photos No. 26 through 28 in Attachment IV.

III. Conclusions

Wastewater is a pollutant as defined by Section 502(6) of the Clean Water Act (Act), 33 U.S.C. § 1362. The unnamed creek and La Plata River are Waters of the United States as defined by the Clean Water Act (CWA, or "the Act"). PRASA's Quintas de Dorado Wastewater Collection System is a point source as defined by the Act. Quintas de Dorado Wastewater Collection System is an appurtenance of PRASA and is a point source as defined by the Act. Quintas de Dorado Wastewater Collection System operates as a gravity wastewater collection system. SSOs that have occurred at Quintas de Dorado Development are not permitted by a NPDES permit.

PRASA shall take the necessary actions to avoid future SSOs into Waters of the United States. The response to this report shall include all the details, evidence, and results of such actions.

End of Report

Report prepared by:

 Dated: 5/17/2016
Eng. Carlos R. Villafañe, MEM, P.E.
Environmental Engineer

Attachment I – Quintas de Dorado Development Map

Attachment II – Quintas de Dorado Development Topographic and Hydrological Map

Attachment III – PRASA's Quintas de Dorado WWCS Location Map

Attachment IV – Inspection Photo Log



Photo No. 1

View of sanitary manhole located at the entrance of the Quintas de Dorado Development. This sanitary manhole had some accumulated solids in its bottom.

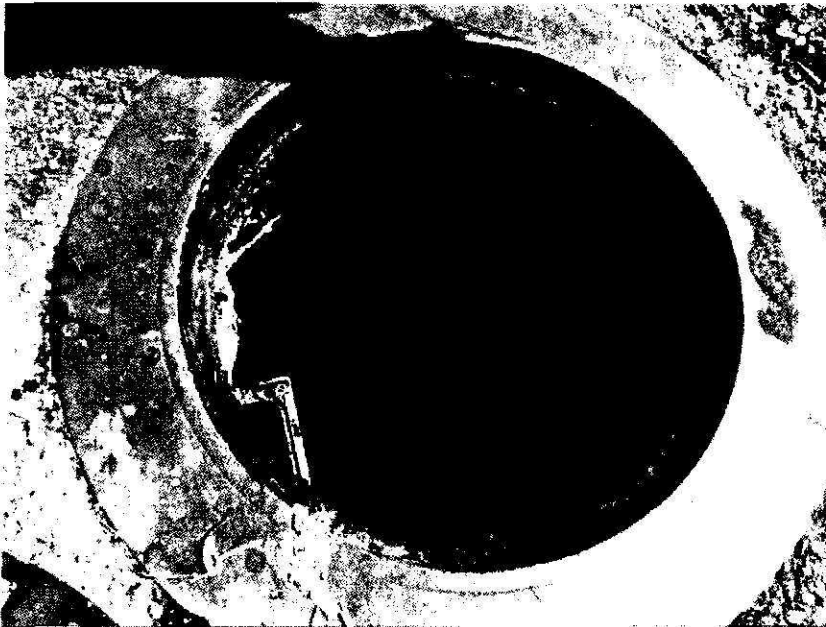


Photo No. 2.

View of another sanitary manhole located at the entrance of the Quintas de Dorado Development. This sanitary manhole had some accumulated solids in its bottom and wall.



Photo No. 3.

View of sanitary solids of a recent SSO event that were observed over the street at Ucar Street intersection with Cipres Street. The sanitary manhole cover at this location was also observed with solids of sewage nature.



Photo No. 4

Another view of the sanitary solids of a recent SSO event that were observed over the street at Ucar Street intersection with Cipres Street.



Photo No. 5.

Another view of the sanitary solids of a recent SSO event that were observed over the street at Ucar Street intersection with Cipres Street. The sanitary solids were observed at the storm water gutter.



Photo No. 6.

Another view of the sanitary solids of a recent SSO event that were observed over the street at Ucar Street intersection with Cipres Street. The sanitary solids were observed at the stormwater gutter and stormwater drain near the sanitary manhole.

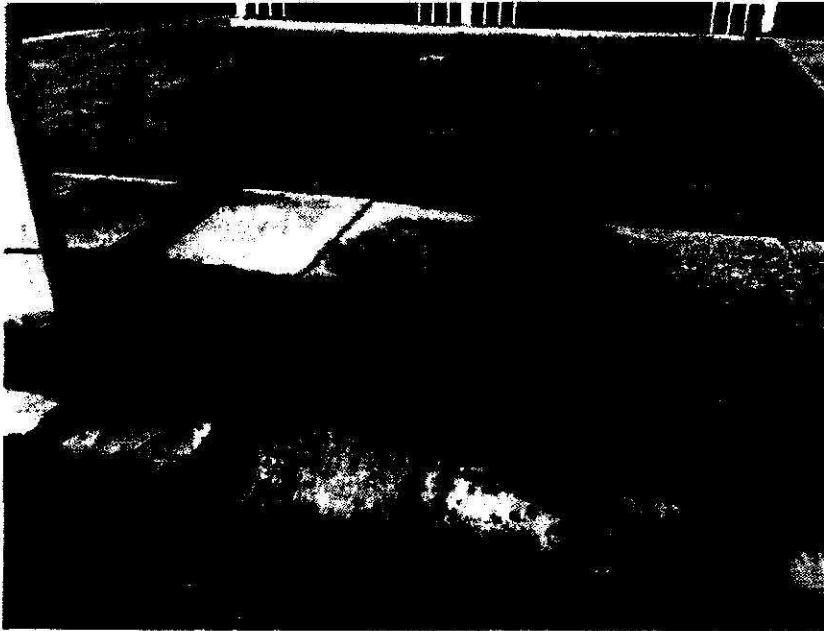


Photo No. 7.

Sewage was observed over part of the grass, concrete sidewalk and storm sewer gutter in front of Residence I-31 located at the intersection of Ucar and Mirto Streets.

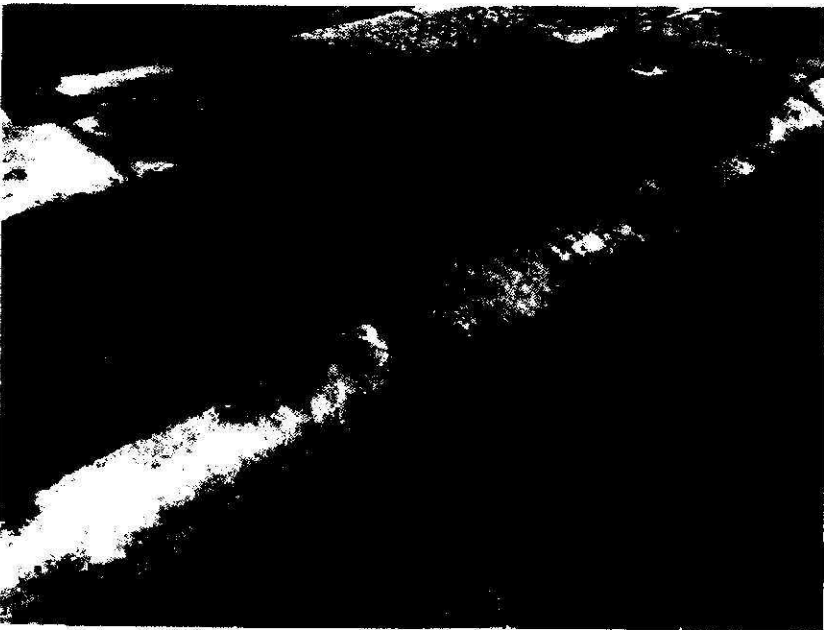


Photo No. 8.

Another view of the sewage observed over part of the grass, concrete sidewalk and storm sewer gutter in front of Residence I-31 located at the intersection of Ucar and Mirto Streets.



Photo No. 9.

View of a sanitary manhole located close to the end of the Ucar Street (south direction). This sanitary manhole was observed with overflowed sewage. Solids of sewage nature were observed around the sanitary manhole cover, over the street and at the nearby storm sewer gutter. Wastewater was also observed inside the storm sewer gutter.



Photo No. 10.

Another view of the sanitary manhole located close to the end of the Ucar Street (south direction) that was observed with overflowed sewage. Solids of sewage nature were observed around the sanitary manhole cover, over the street and at the nearby storm sewer gutter. Wastewater was also observed inside the storm sewer gutter.



Photo No. 11.

View of another sanitary manhole located at a very high pasture (cross country) after the end of the Ucar Street (south direction). This sanitary manhole was observed with overflowed sewage. Solids of sewage nature and sewage were observed all around the sanitary manhole cover and over the pasture. Besides the overflowed manhole runs an unnamed creek.



Photo No. 12.

Closed view of Photo No. 11.



Photo No. 13.

Solids of sewage nature were observed in front of Residence #58 located at intersection of Nogal Boulevard and Mirto Street. Sewage was observed around the cleanout and driveway of the residence. The overflowed sewage was also observed over part of the street due to a recent sanitary sewer overflow event.

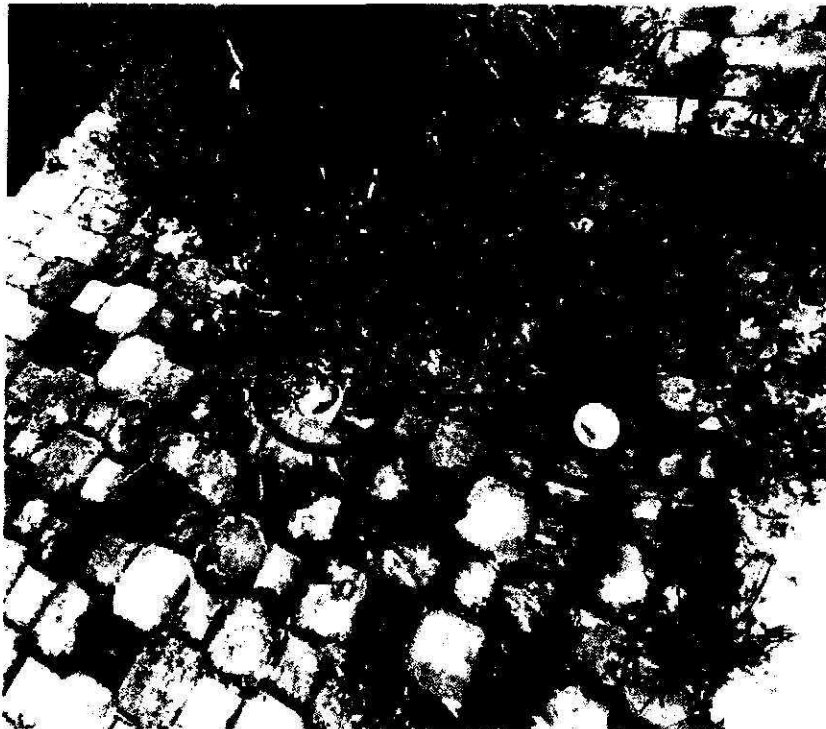


Photo No. 14.

View of sanitary cleanout and removed cover in front of Residence #58. The cleanout (i.e., sanitary service connection) cover was observed removed. Sewage was observed around the cleanout and driveway of the residence. Solids of sewage nature were observed in front of Residence #58 located at intersection of Nogal Boulevard and Mirto Street. The overflowed sewage was observed over part of the street due to a recent sanitary sewer overflow event.



Photo No. 15.

Another view of Photo No. 14. Solids of sewage nature were observed in front of Residence #58 located at intersection of Nogal Boulevard and Mirto Street. The cleanout (i.e., sanitary service connection) cover was observed removed. Sewage was observed around the cleanout and driveway of the residence. The overflowed sewage was also observed over part of the street due to a recent sanitary sewer overflow event.



Photo No. 16.

Solids of sewage nature were observed in front of Residence #58 located at intersection of Nogal Boulevard and Mirto Street. The overflowed sewage was observed over part of the street due to a recent sanitary sewer overflow event.



Photo No. 17.

View of a sanitary manhole and cover in front of residence H-57 at Nogal Boulevard. This sanitary manhole had solids of sewage nature around it. It also had a huge amount of solids accumulated inside. Solids of sewage nature were observed over the street. In addition, solids of sewage nature were also observed at the storm sewer gutter next to the sanitary manhole.



Photo No. 18.

Another view of Photo No. 17. The sanitary manhole cover in front of residence H-57 at Nogal Boulevard had solids of sewage nature around it. It also had a huge amount of solids accumulated inside. Solids of sewage nature were observed over the street. In addition, solids of sewage nature were also observed at the storm sewer gutter next to the sanitary manhole.



Photo No. 19.

Closed view of Photo No. 18. The sanitary manhole cover in front of residence H-57 at Nogal Boulevard had solids of sewage nature around it. It had a huge amount of solids accumulated inside the manhole. Solids of sewage nature were observed over the street. In addition, solids of sewage nature were also observed at the storm sewer gutter next to the sanitary manhole.

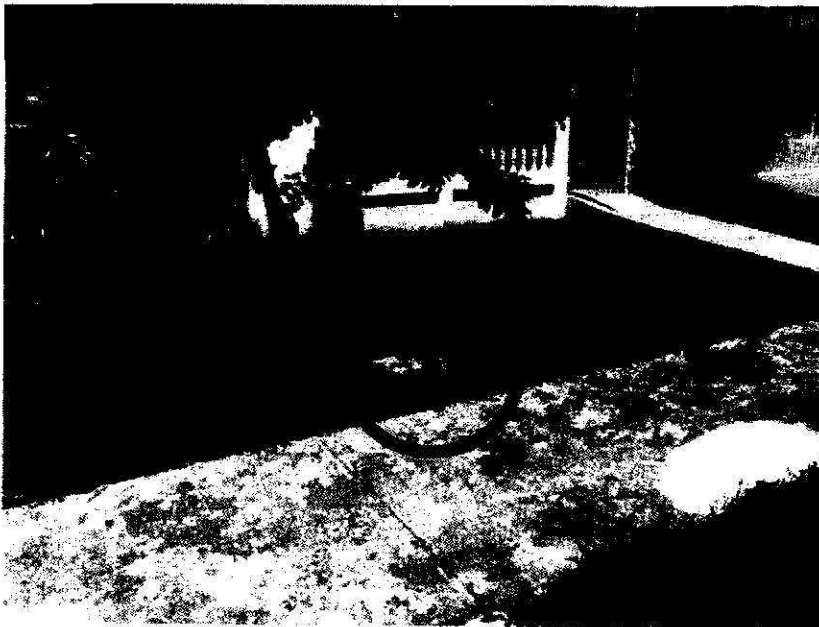


Photo No. 20.

View of cleanout (i.e., service connection) of Residence H-57, located at Nogal Boulevard. Sewage and solids of sewage nature were observed around the cleanout and grass near the cleanout.



Photo No. 21.

The photo shows sewage and solids of a recent SSO event. Mrs. Dimaris Miranda, resident of P-17 at Ucar Street, said that she is affected by bad odors due to SSOs occurring at her street.



Photo No. 22.

The sanitary manhole located in front of residence H-12, Ceiba Street, has too much solids (e.g., grease, etc.) inside it.

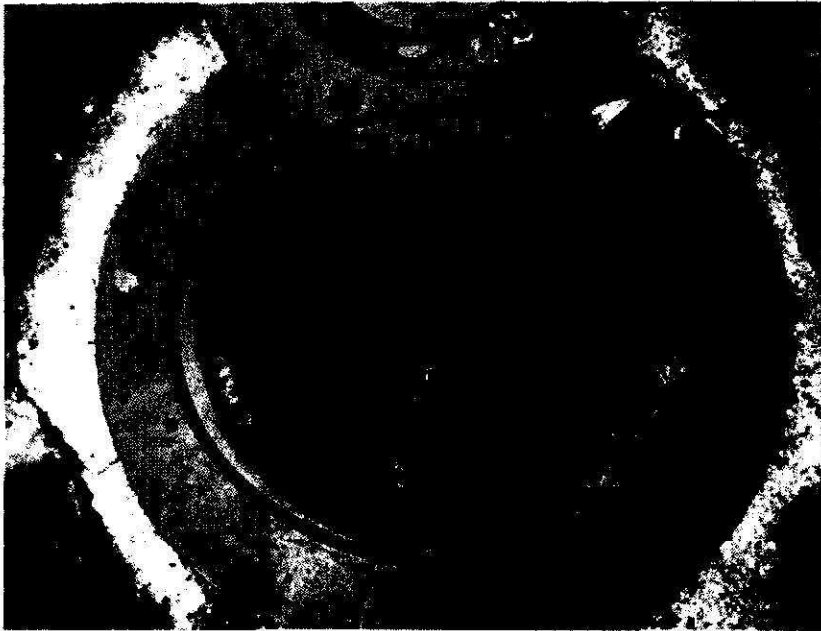


Photo No. 23.

Closed view of the sanitary manhole located in front of residence H-12, Ceiba Street. As observed, this manhole has too much solids (e.g., grease, etc.) inside it.



Photo No. 24.

View of solids of a recent SSO event observed over the Ceiba Street and also at the street storm sewer gutter and storm drain next to the sanitary manhole provided in Photo No. 23 above. Solids such as paper, grease, cloths, among others (all of sewage nature), were observed next to the storm sewer drain located at the Ceiba Street and near residence H-12.



Photo No. 25.

View of sewage and solids of a recent sanitary sewer overflow event in front of residences B-23 and B-24 at Nogal Boulevard.



Photo No. 26.

View of un-capped cleanout (i.e., sanitary service connection) at Residence B-23 at Nogal Boulevard. Mrs. Nurquis Santana, resident of B-23 at Nogal Boulevard, said that sanitary sewer overflows has caused sewage back-ups inside her residence through the toilet and bathtub. She also said that she used to open the clean out (i.e., sanitary service connection) to avoid sewage back-ups inside her house.



Photo No. 27.

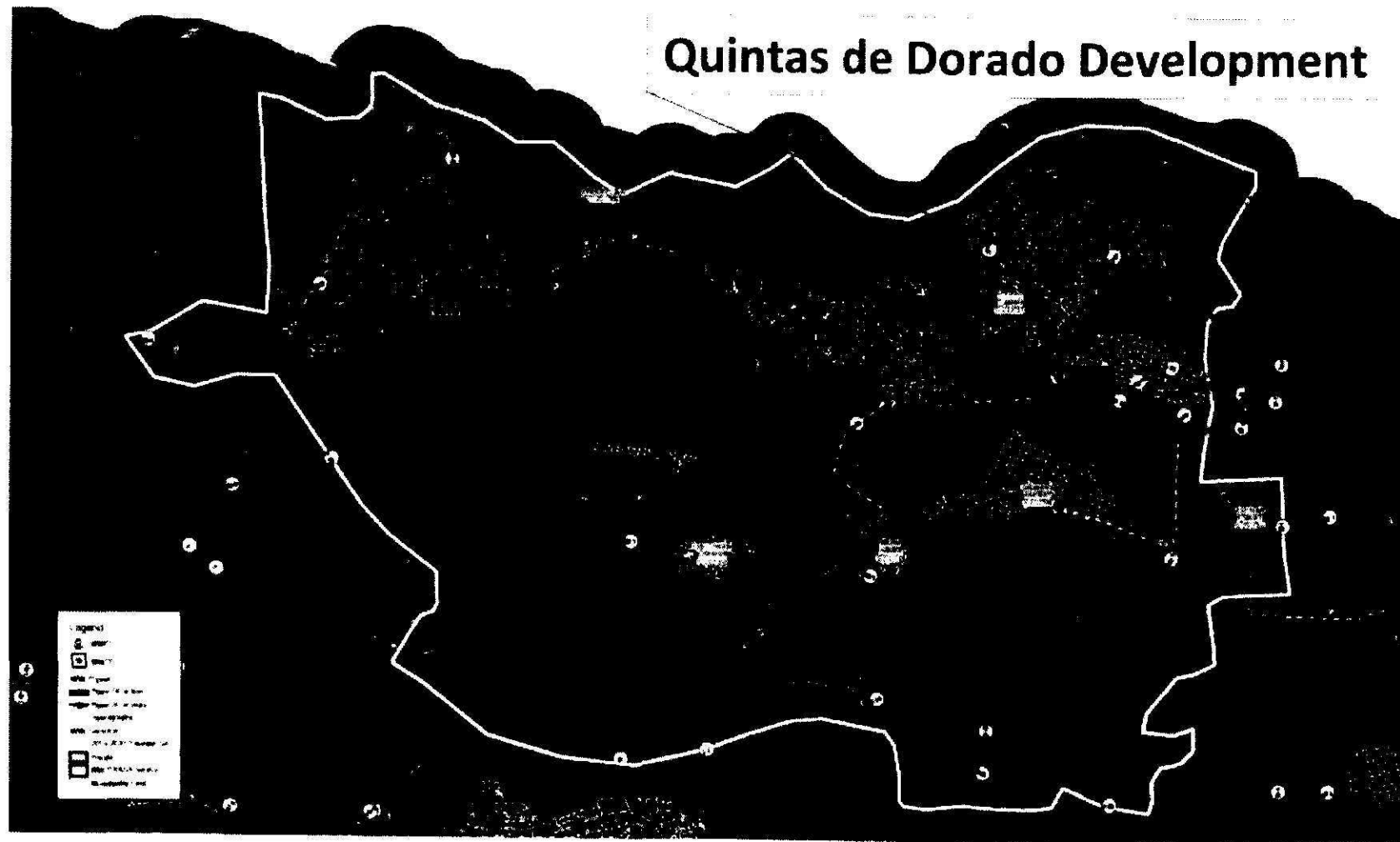
Closed view of un-capped
cleanout of residence B-23
at Nogal Boulevard.



Photo No. 28.

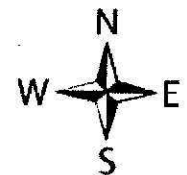
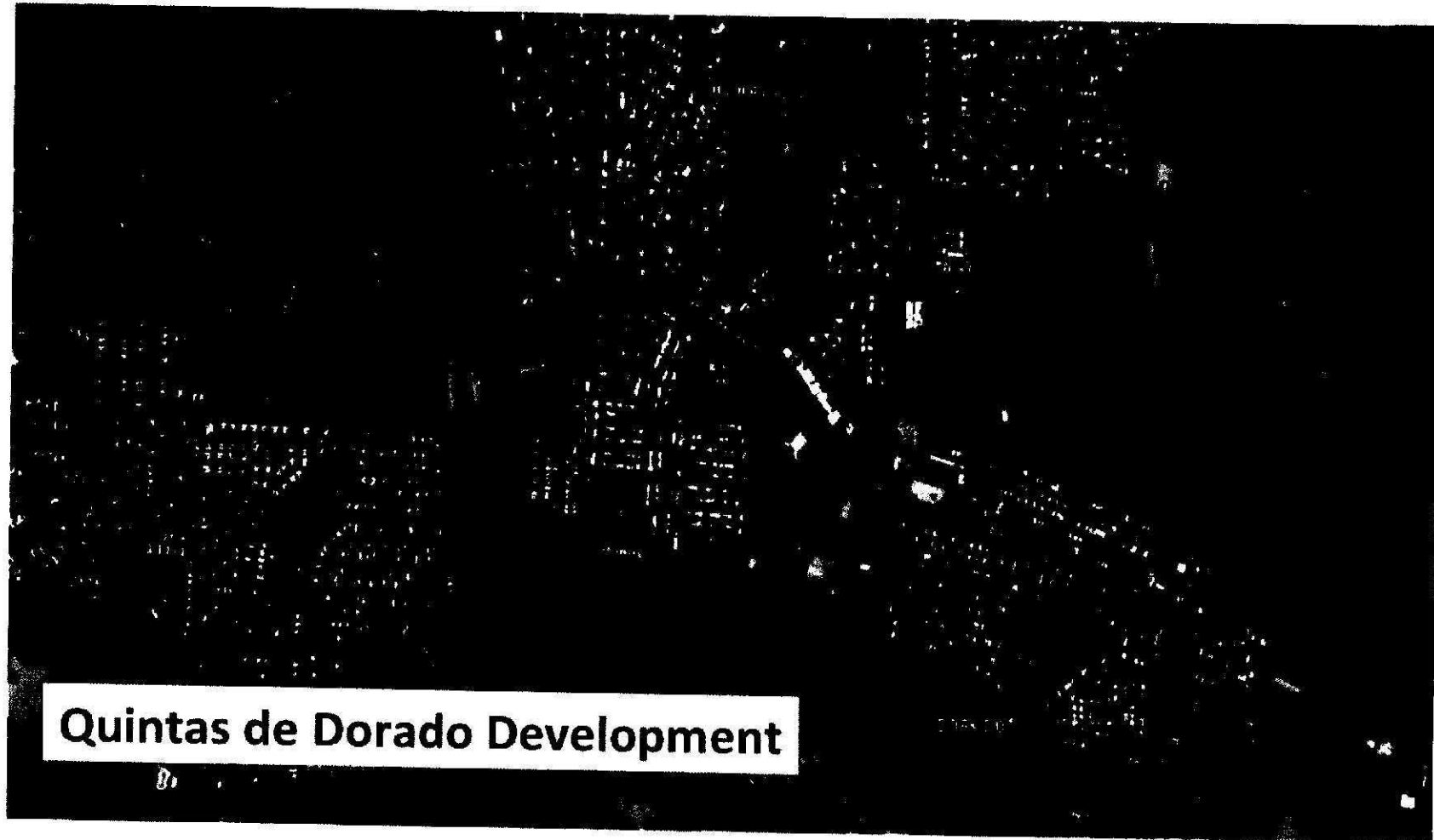
View of sanitary solids over
a concrete walkway in
front of Residence B-23 at
Nogal Boulevard. Mrs.
Nurquis Santana, resident
of B-23 at Nogal Boulevard,
said that SSOs has caused
sewage back-ups inside her
residence through the
toilet and bathtub. She also
said that she used to open
the clean out to avoid
sewage back-ups inside her
house.

Attachment I – Quintas de Dorado Development Map³



³ Map provided by the Puerto Rico Aqueduct and Sewer Authority.

Attachment II – Quintas de Dorado Development Topographic and Hydrological Map¹



¹ Map obtained from the Puerto Rico Planning Board GIS Puerto Rico Map Application http://gis.otg.pr.gov/apps/pr_map/

² Map provided by the Puerto Rico Aqueduct and Sewer Authority.

